

IN RE: PETITION FOR VARIANCE  
E/S of Rolling Crossroads, 806' +/- S  
of Johnnycake Road  
1st Election District  
1st Councilmanic District  
(6 Rolling Crossroads)

Whalen Properties Limited Partnership,  
Catonsville, Series, VIII  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 02-310-~~X~~  
\* XA

\* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception and Variance filed by the legal owners of the property, The Whalen Properties Limited Partnership, Catonsville Series, VIII. The Petitioners are requesting special exception relief for a nursing home in an OR2 zone pursuant to Section 206.3.B.1 and to partially exist in a D.R.3.5 zone, pursuant to Section 1B01.1.C.3 and Section 432 of the Baltimore County Zoning Regulations. In addition, the Petitioners are requesting variances from Section 450.4.6. of the B.C.Z.R., to permit a free standing ID sign of 80 sq. ft. and 8 ft. high in lieu of the permitted 25 sq. ft. and 6 ft. respectively and from Section 1B01.2.C.1.a to the B.C.Z.R., to permit a rear yard setback of 31 ft. in lieu of the permitted 50 ft.

Appearing at the hearing on behalf of the special exception and variance requests were Stephen W. Whalen, Jr., representing Whalen Properties, David Lanning, representing Manor Care Nursing Homes, Wes Guckert, principal with The Traffic Group, Fred Thompson, appearing on behalf of the engineers who prepared the site plan of the property and Ben Bronstein, attorney at law, representing the Petitioner. There were no protestants or others in attendance.

3/22/02  
R. Thompson

Testimony and evidence indicated that the property, which is the subject of this zoning request, consists of 3.1648 acres, more or less, the majority of which is zoned OR2 with a small portion zoned D.R.3.5 adjacent to Rolling Road. The subject property is unimproved at this time. The Petitioners are proposing to construct a 2-story, skilled nursing facility containing 120 beds on the property. The details of the building and parking area associated therewith are more particularly shown on Petitioners' Exhibit No. 1, the site plan submitted into evidence. This property owner is interested in leasing the subject property and building to Manor Care Health Services for the purpose of operating a nursing home thereon. Mr. Whalen testified that he met with the Woodbridge Valley Community Association and also the Westview Park Association, which are the surrounding community groups, both of whom support the Petitioners in this endeavor. The parties have entered into a separate agreement relating to the development of this property. That agreement was submitted into evidence as Petitioners' Exhibit No. 3. In order to move forward with the development of the property as a nursing home, the variance requests are necessary, as well as the special exception. After considering the testimony and evidence offered at the hearing and the lack of any opposition to this request, I find that the special exception and variances should be granted.

It is clear the Baltimore County Zoning Regulations permits the Petitioners' use in an OR2 and D.R.3.5 zone by special exception. It is equally clear that the proposed use is not detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioners had the burden of adducing testimony and evidence which shows that the use meets the prescribed standards and requirements set forth in Section 502.1 of the Baltimore County Zoning Regulations. The Petitioners have shown that the use is conducted without real

OFFICE OF THE CLERK  
13/02/02  
H. J. O'Connell

detriment to the neighborhood and does not adversely affect the public interest. The facts and circumstances do not show that the use at this particular location described by Petitioners' Exhibit No. 1 has any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The use is not detrimental to the health, safety, or general welfare of the locality, nor tends to create congestion in roads, streets, or alleys therein, nor is it inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the B.C.Z.R.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will

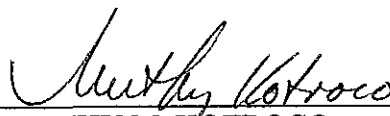
unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

It was also stated at the hearing before me that the Petitioners submitted their compatibility study to the Office of Planning who has reviewed and approved same.

THEREFORE, IT IS ORDERED this 2<sup>nd</sup> day of March, 2002, by this Deputy Zoning Commissioner, that the special exception relief requested for a nursing home in an OR2 zone pursuant to Section 206.3.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and to partially exist in a D.R.3.5 zone, pursuant to Section 1B01.1.C.3 and Section 432 of the B.C.Z.R., be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the variances requested from Section 450.4.6. of the B.C.Z.R., to permit a free standing ID sign of 80 sq. ft. and 8 ft. high in lieu of the permitted 25 sq. ft. and 6 ft. respectively and from Section 1B01.2.C.1.a to the B.C.Z.R., to permit a rear yard setback of 31 ft. in lieu of the permitted 50 ft., be and is hereby GRANTED.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.

  
TIMOTHY M. KOTROCO  
DEPUTY ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

TMK:raj



Baltimore County  
Zoning Commissioner

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386  
Fax: 410-887-3468

March 22, 2002

Benjamin Bronstein, Esquire  
George & Bronstein, LLP  
29 W. Susquehanna Avenue, Suite 205  
Towson, Maryland 21204

RE: Petitions for Special Exception & Variance  
Case No. 02-310-XA  
Property: 6 Rolling Crossroads

Dear Mr. Bronstein:

Enclosed please find the decision rendered in the above-captioned case. The Petitions for Special Exception and Variance have been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Office of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco  
Deputy Zoning Commissioner

TMK:raj  
Enclosure

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



Printed with Soybean Ink  
on Recycled Paper

Copies to:

Stephen W. Whalen, Jr.  
Whalen Properties Limited Partnership,  
Catonsville, Series VIII  
2 E. Rolling Crossroads, Suite 251  
Catonsville, MD 21228

David Lanning  
Manor Care Nursing Homes  
806 Copley Lane  
Silver Springs, MD 20904

Wes Guckert  
The Traffic Group  
9900 Franklin Square Drive, Suite #H  
Baltimore, MD 21236

Fred Thompson  
Gower Thompson, Inc.  
429 E. Lake Avenue  
Baltimore, MD 21212



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6 Rolling Crossroads

which is presently zoned OR2 and DR3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

450.4.6 to permit a free standing ID sign of 80 sq. ft. and 8 ft high in lieu of the permitted 25 sq. ft. 6 ft respectively from Section 1B01.2.C.1.a to permit a rear yard setback of 31 ft. in lieu of the permitted 50 ft.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

1. Configuration of the Property.
2. Topography of the Property.
3. And for such other reasons as may be demonstrated at the time of hearing.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

## Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

## Attorney For Petitioner:

Benjamin Bronstein

Name - Type or Print

Signature

George & Bronstein, LLP

Company

29 West Susquehanna Avenue, Suite 205

410-296-0200

Address

Telephone No.

Towson,

Maryland

21204

City

State

Zip Code

## Legal Owner(s):

Whalen Properties Limited Partnership, Catonsville, Series VIII

Name - Type or Print

Signature

BY: Stephen W. Whalen, Jr., General Partner

Name - Type or Print

Signature

25 E. Rolling Crossroads

Suite 251

410-747-2900

Address

Telephone No.

Catonsville

Maryland

21228

City

State

Zip Code

## Representative to be Contacted:

Fred Thompson, P.E.

Gower Thompson, Inc.

Name

429 East Lake Avenue

410-532-0101

Address

Telephone No.

Baltimore

Maryland

21212

City

State

Zip Code

## OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 HRS

UNAVAILABLE FOR HEARING

Reviewed By VLL

Date 1/24/02

Case No. 02 310 XA

227 9/15/98



# Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 6 Rolling Crossroads

which is presently zoned OR2 and DR3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

nursing home in an OR2 zone pursuant to Section 206.3.B.1 and partially in a DR3.5 zone pursuant to Sections 1B01.1.C.3 and 432.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

## Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

## Attorney For Petitioner:

Benjamin Bronstein

Name - Type or Print

Signature

George & Bronstein, LLP

Company

29 West Susquehanna Avenue, Suite 205

410-296-0200

Address

Telephone No.

Towson

Maryland

21204

City

State

Zip Code

## Legal Owner(s):

Whalen Properties Limited Partnership, Catonsville, Series VIII

Name - Type or Print

Signature

BY: Stephen W. Whalen, Jr., General Partner

Name - Type or Print

Signature

25 E. Rolling Crossroads

Suite 251

410-747-2900

Address

Telephone No.

Catonsville

Maryland

21228

City

State

Zip Code

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Gower Thompson, Inc.

Name

429 East Lake Avenue

410-532-0101

Address

Telephone No.

Baltimore

Maryland

21212

City

State

Zip Code

## OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 HRS

UNAVAILABLE FOR HEARING

Reviewed By JLL

Date 1/24/02

Case No. 02 310 XA

REV 09/15/98



310

ZONING DESCRIPTION  
MANOR CARE  
6 ROLLING CROSSROADS

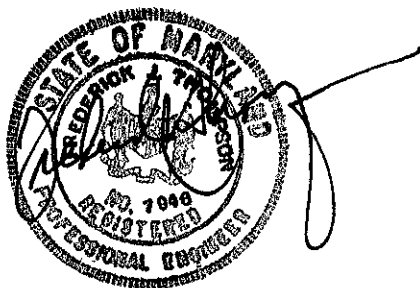
BEGINNING AT A POINT ON THE EAST SIDE OF ROLLING ROAD (VARIABLE RIGHT OF WAY) LOCATED 806.34 FEET TO THE SOUTH OF THE SOUTHEAST QUADRANT OF THE INTERSECTION OF THE RIGHTS-OF-WAY LINES OF ROLLING ROAD AND JOHNNYCAKE ROAD. THENCE EXTENDING THE FOLLOWING 10 COURSES AND DISTANCES:

1. NORTH 80 DEGREES 59 MINUTES 43 SECONDS EAST, 230.00 FEET;
2. NORTH 87 DEGREES 57 MINUTES 27 SECONDS EAST, 159.23 FEET;
3. SOUTH 76 DEGREES 55 MINUTES 44 SECONDS EAST, 31.00 FEET TO A POINT ON THE RIGHT OF WAY LINE OF ROLLING CROSSROADS (PRIVATE);
4. ON AN ARC CURVING TO THE LEFT HAVING A RADIUS OF 270.58 FEET, THE ARC DISTANCE OF 63.43 FEET, AND A CHORD BEARING OF SOUTH 03 DEGREES 17 MINUTES 41 SECONDS EAST, AN CHORD DISTANCE OF 63.29 FEET;
5. NORTH 79 DEGREES 59 MINUTES 16 SECONDS EAST, 25.00 FEET;
6. SOUTH 10 DEGREES 00 MINUTES 44 SECONDS EAST, 166.68 FEET;
7. SOUTH 20 DEGREES 08 MINUTES 38 SECONDS EAST, 70.00 FEET;
8. SOUTH 69 DEGREES 51 MINUTES 22 SECONDS WEST, 36.70 FEET;
9. SOUTH 87 DEGREES 32 MINUTES 22 SECONDS WEST, 384.21 FEET TO A POINT ON THE RIGHT OF WAY LINE OF ROLLING ROAD; AND
10. ALONG THE RIGHT OF WAY LINE OF ROLLING ROAD ON AN ARC CURVING TO THE RIGHT HAVING A RADIUS OF 883.31 FEET, THE ARC DISTANCE OF 220.57 FEET, AND A CHORD BEARING OF NORTH 13 DEGREES 59 MINUTES 18 SECONDS WEST, A CHORD DISTANCE OF 220.00 FEET TO THE PLACE OF BEGINNING.

BEING A PORTION OF PARCEL C OF ROLLING CROSSROAD PROFESSIONAL PARK AS RECORDED IN PLAT 55 / 87.

CONTAINING 2.9848 ACRES MORE OR LESS.

ALSO KNOWN AS 6 ROLLING CROSSROADS AND LOCATED IN THE 1<sup>ST</sup> ELECTION DISTRICT.



BALTIMORE COUNTY, MARYLAND

OFFICE OF BUDGET & FINANCE

MISCELLANEOUS RECEIPT

JLL 310

No. 071.7

DATE 1/24/02

ACCOUNT 0510006150

AMOUNT \$ 550.00

RECEIVED FROM: George & Bristow LLP

FOR: Jelling XA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID TO THE ORDER OF  
BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
1000 E. CALVERT STREET, 10TH FLOOR  
BALTIMORE, MD 21202  
CASHIER'S SIGNATURE  
DATE  
BALTIMORE COUNTY, MARYLAND

CASHIER'S VALIDATION

# NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #02-310-XA

6 Rolling Crossroads

E/S of Rolling Road, 806 +/- S of Johnnycake Road

1st Election District - 1st Councilmanic District

Legal Owner(s): Stephen W. Wahlen, Jr.

**Special Exception:** to use the nursing home in OR-2 zone pursuant to Section 206.3B.1 and partially in a D.R. 3.5 zone pursuant to Sections 1B01.1.C3 and 432. **Variance:** to permit a free-standing ID sign of 80 square feet and 8 feet high in lieu of the permitted 25 square feet, and 6 feet high and to permit a rear yard setback of 31 feet in lieu of the permitted 50 feet.

**Hearing:** Wednesday, March 20, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3891.  
JT/3/612 Mar. 5 C624072

# CERTIFICATE OF PUBLICATION

3/7/, 2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/5/, 2002.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

*S. Wilkins*

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

RE: Case No.: 02-310-XA

Petitioner/Developer: STEPHAN

W. WAHLEN, JR

Date of Hearing/Closing: 3/20/02

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law  
were posted conspicuously on the property located at 6 ROLLING CROSSROADS

The sign(s) were posted on 3/2/02  
(Month, Day, Year)

Sincerely,

3/2/02  
(Signature of Sign Poster and Date)

**SSG ROBERT BLACK**

(Printed Name)

**1508 Leslie Rd**

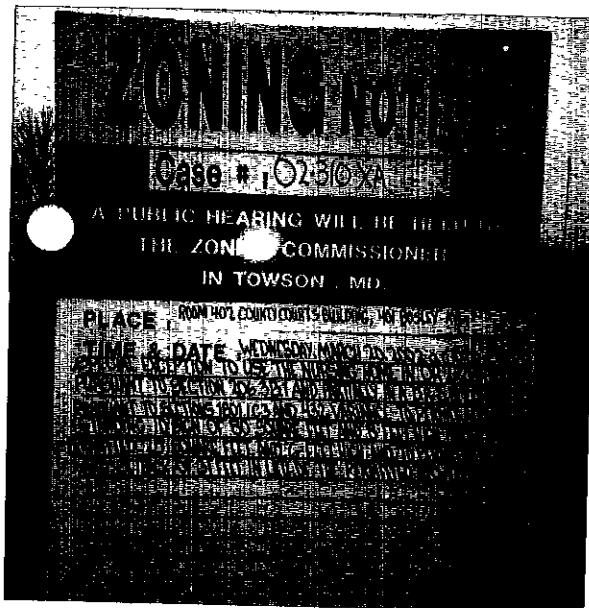
(Address)

**Dundalk, Maryland 21222**

(City, State, Zip Code)

**(410) 282-7940**

(Telephone Number)



# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

## ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

**OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.**

---

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#### For Newspaper Advertising:

Item Number or Case Number: 02-310-XA  
Petitioner: Whalen Properties Limited Partnership, Catonsville, Series VIII  
Address or Location: 6 Rolling Crossroads

#### PLEASE FORWARD ADVERTISING BILL TO:

Name: Benjamin Bronstein  
Address: 2940 Seesquehanna Ave  
Towson Md 21204  
Telephone Number: 410 296 0200

TO: PATUXENT PUBLISHING COMPANY  
Tuesday, 5, 2002 Issue – Jeffersonian

Please forward billing to:  
Benjamin Bronstein  
George & Bronstein  
29 W Susquehanna Avenue, Suite 205  
Towson MD 21204

410 296-0200

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## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-310-XA  
6 Rolling Crossroads  
E/S of Rolling Road, 806' +/- S of Johnnycake Road  
1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District  
Legal Owner: Stephen W Wahlen, Jr.

Special Exception to use the nursing home in OR 2 zone pursuant to Section 206.3B.1 and partially in a D.R.3.5 zone pursuant to Sections 1B01.1.C3 and 432. Variance to permit a free-standing ID sign of 80 square feet and 8 feet high in lieu of the permitted 25 square feet, and 6 feet high and to permit a rear yard setback of 31 feet in lieu of the permitted 50 feet.

HEARING: Wednesday, March 20, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT C.D.Z.  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County  
Department of Permits and  
Development Management

Director's Office  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
410-887-3353  
Fax: 410-887-5708

February 14, 2002

## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-310-XA  
6 Rolling Crossroads  
E/S of Rolling Road, 806' +/- S of Johnnycake Road  
1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District  
Legal Owner: Stephen W Whalen, Jr.

Special Exception to use the nursing home in OR 2 zone pursuant to Section 206.3B.1 and partially in a D.R.3.5 zone pursuant to Sections 1B01.I.C3 and 432. Variance to permit a free-standing ID sign of 80 square feet and 8 feet high in lieu of the permitted 25 square feet, and 6 feet high and to permit a rear yard setback of 31 feet in lieu of the permitted 50 feet.

HEARING: Wednesday, March 20, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon C.D.Z.  
Director

C: Benjamin Bronstein, George & Bronstein, 29 W Susquehanna Ave, Ste 205,  
Towson 21204  
Stephen W Whalen Jr, Whalen Properties Limited Partnership, 25 E Rolling  
Crossroads, Suite 251, Catonsville 21228  
Fred Thompson, Gower Thompson Inc, 429 E Lake Ave, Baltimore 21212

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 5, 2002.**  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

March 15, 2002

Mr. Benjamin Bronstein  
George & Bronstein  
29 W Susquehanna Avenue  
Suite 205  
Towson MD 21204

Dear Mr. Bronstein:

RE: Case Number: 02-310-XA, 6 Rolling Crossroads

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 24, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

*W. Carl Richards, Jr.*

W. Carl Richards, Jr. GDR  
Supervisor, Zoning Review

WCR: gdz

Enclosures

- c Whalen Properties Limited Partnership, Stephen W Whalen Jr, 25 E Rolling Crossroads, Suite 251, Catonsville 21228
- Gower Thompson Inc, Fred Thompson, 429 E Lake Avenue, Baltimore 21212
- People's Counsel


Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Department of Permits & Development  
Management

**DATE:** March 7, 2002

**FROM:**  Robert W. Bowling, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
for February 19, 2002  
Item Nos. 293, 294, 295, 296, 297, 298,  
299, 300, 301, 304, 305, 306, 308,  
310 and 311

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:cab

cc: File



Baltimore County  
Fire Department

Office of the Fire Marshal  
700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4880

February 13, 2002

Department of Permits and  
Development Management (PDM)  
County Office Building, Room 111  
Mail Stop #1105  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ATTENTION: George Zahner

RE: Property Owner: 313 - Jeffrey A. Blackwell  
310 - Stephen W. Wahlen, Jr.

Location: DISTRIBUTION MEETING OF February 11, 2002

Item No.: 313, 310

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office  
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



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on Recycled Paper

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: Todd Taylor <sup>161</sup>

DATE: March 14, 2002

Zoning Advisory Committee Meeting of February 11, 2002

SUBJECT: NO COMMENTS for the FOLLOWING ZONING ITEMS:

285, 293, 294, 295, 296, 297, 305, 308, 309, (310), 311,

EIR is still reviewing Zoning Item: 312

Sign  
3/20

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Department of Permits and  
Development Management

**DATE:** February 28, 2002

**FROM:** Arnold F. 'Pat' Keller, III  
Director, Office of Planning

FEB 28

**SUBJECT:** Zoning Advisory Petition(s): Case(s) 02-310

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mark A Cunningham

Section Chief:

Jeffrey W Long

AFK/LL:MAC



**Maryland Department of Transportation  
State Highway Administration**

Parris N. Glendening  
Governor

John D. Porcari  
Secretary

Parker F. Williams  
Administrator

Date: 2.12.02

Mr. George Zahner  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 310

JLL

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief  
Engineering Access Permits Division

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL EXCEPTION  
PETITION FOR VARIANCE  
6 Rolling Crossroads, E/S Rolling Rd,  
806' +/- S of Johnnycake Rd  
1st Election District, 1st Councilmanic

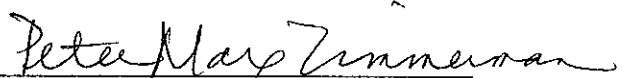
Legal Owner: Whalen Properties LP  
Petitioner(s)


\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case No. 02-310-XA

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. **All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.**

  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Old Courthouse, Room 47  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 13<sup>th</sup> day of February, 2002 a copy of the foregoing Entry of Appearance was mailed to Benjamin Bronstein, Esq., George & Bronstein, 29 W. Susquehanna Avenue, Suite 205, Towson, MD 21204, attorney for Petitioner(s).

  
PETER MAX ZIMMERMAN

Heaving: 3/20/02

*Referrals*  
**CITIZEN'S SIGN-IN SHEET**

Revised 4/17/00

## FAX TRANSMISSION COVER SHEET

Sent to fax no.:

(410) 296-3719

DATE 3/18/02

Attention of:

NAME: BEN BRONSTEIN, ESQ

COMPANY:

ADDRESS: GEORGE + BRONSTEIN, LLPTelephone #: (410) 296-0200

Sent by:

NAME: STEVE WHARENCOMPANY: Whalen PropertiesADDRESS: 2 East Rolling CrossroadsSuite #251Calonsville, MD 21228

OUR FAX NO. IS (410) 747-2902. Our telephone number is (410) 747-2900.

ENCLOSED IS A TELEPHONE FACSIMILE TRANSMISSION CONSISTING OF:

6  
7PAGE(S), plus this cover sheet,  
for a total transmission of  
PAGES

If you do not receive all of the transmission as indicated above, or if any of transmission is not clearly legible, please call us at (410) 747-2900. Thank you.

Please Note: An original copy of this correspondence

IS NOT being mailed to you as well.

**BEN - HERE'S COPY OF FULLY EXECUTED AMENDMENT TO RESTRICTIVE COVENANT AGREEMENT & ALSO CERTIFICATIONS REQUIRED BY MANORCARE'S TITLE COMPANY FROM THE SECRETARIES TO THE 2 COMMUNITY ASSOCIATIONS CERTIFYING THAT THEIR PRESIDENT'S SIGNATURE WAS AUTHORIZED BY EACH BOARD.**

→ **PLS NOTE ITEM B (RESTRICTION 16 - ACCESS) DOES NOT LIMIT LEFT-TURNS INTO THE SITE FROM ROLLING RD (OUTBOUND LEFT TURNS ARE PROHIBITED) SO WHY GIVE IT UP? YOU SHOULD CHECK TO FRED T. + DAVE LANNING, BUT I'D RECOMMEND CHANGING THE PLAN BEFORE OR AT THE**



**DUPLICATE ORIGINAL****ROLLING CROSSROADS PROFESSIONAL PARK  
RESTRICTIVE COVENANT AGREEMENT  
SECOND AMENDMENT**

This Second Amendment to the Rolling Crossroads Professional Park Restrictive Covenant Agreement (the "Second Amendment") is made this 15<sup>th</sup> day of March, 2002, by and among the below-referenced parties, to modify and amend the Restrictive Covenant Agreement (the "Original Agreement") dated November 8, 1984, and recorded in the land records of Baltimore County, Maryland at Liber EHK, Jr. 6815, commencing at Folio 296, and recorded on November 13, 1984 as amended by a First Amendment dated September 30, 1986 and recorded in the land records of Baltimore County, Maryland at Liber 7312, commencing at folio 098, and recorded on October 30, 1986, in regard to those parcels comprising approximately 17.3 acres and located on the southeast corner of North Rolling Road and Johnnycake Road, known as "Rolling Crossroads Professional Park" (the "Park") and as further more exactly described by the metes and bounds survey description dated March 20, 1984, prepared by STV/Lyon Associates and attached to the Original Agreement as Exhibit A.

Whereas, the Original Agreement and the First Amendment are collectively referred to as the "Agreement".

Whereas, pursuant to provision IV of the Procedural Requirements of the Agreement, modifications or amendments to the Agreement can be made provided (i) both a simple majority of the original Neighboring Residents party to the Original Agreement who remain members at the time of the vote, plus the simple majority of all of the Neighboring Residents at the time of the vote consent to the modifications or amendments, and (ii) Whalen Properties Limited Partnership, Catonsville, Series VIII consents to the modifications or amendments.

Whereas David M. Lyon and Katherine Lyon, jointly a party to the Agreement, have provided notice that they have sold all their interest in their residential property at 6535 Redgate Circle, Catonsville, Maryland, effective May, 2001, and, therefore, in accordance with the provisions of the Agreement, their interest in this Agreement was automatically extinguished upon such sale and they are no longer a party to this Agreement. The Lyon's new notice address for any communications relating to their prior interest in this Agreement is 4032 Huckleberry Row, Ellicott City, MD, 21042.

Whereas the below-referenced parties represent the aforesaid required parties needed to amend or modify the Agreement and said parties desire to add ManorCare as a party to the Agreement, as well as, to modify and amend certain procedural matters and certain of the restrictive covenants contained in the Agreement.

Whereas, ManorCare Health Services, Inc. or its nominee ("ManorCare") is considering purchasing and developing a parcel in the Park which parcel is intended to consist of approximately 2.94 acres of the property known as:

Parcel C as shown on the Plat entitled "ROLLING CROSSROADS PROFESSIONAL PARK", which Plat is recorded among the Land Records of Baltimore County in Plat Book EHK, JR. No. 55, page 87 (hereinafter said approximate 2.94 acre parcel is referred to as the "ManorCare Parcel"),

but ManorCare will only move forward with the transaction if certain modifications and amendments are made to the Agreement.

Whereas, the term ManorCare shall include any successor, assignee, and future owner of the ManorCare Parcel.

Pet Ex #3

Now, therefore, this Second Amendment witnesses, in consideration of the sum of five dollars (\$5.00) paid by each of the parties to this Second Amendment to every other, receipt of which is hereby acknowledged by every party, the parties to this Second Amendment hereby modify and amend the Agreement as follows:

1. Parties. If ManorCare closes on the purchase of the ManorCare Parcel, then effective as of the date of the closing, ManorCare Health Services, Inc., 333 North Summit Street, Toledo, Ohio 43604, Attn. General Counsel shall become a party to the Agreement and shall have one vote.
2. Procedural Matters. Voting Requirements. Any modification or amendment to the Agreement which impacts ManorCare's use of its parcel in any way shall (in addition to any other voting requirements under the Agreement) also require the consent of ManorCare.
3. Restriction 2. Fencing. Restriction 2 is modified to permit the owner of the ManorCare Parcel to install landscaping, in lieu of fencing, which landscaping must conform to the requirements of Restriction 9.
4. Restriction 3. Security Lighting. Restriction 3 is modified to change the maximum height above finished grade of the security lighting on the ManorCare parcel from "not to exceed twelve (12) feet" to "not to exceed sixteen (16) feet".
5. Restriction 5. Other Signage. Restriction 5 is modified to change for the ManorCare Parcel the maximum height above surrounding finished grade elevations of the freestanding sign from "seven (7) feet" to "eight (8) feet".
6. Restriction 13. Setback Lines. Restriction 13 is modified to change the setback line contiguous with the Korean United Church Property from "seventy (70) feet" to "fifty (50) feet".
7. Restriction 15. Use Restrictions. Restriction 15 is modified to permit ManorCare to serve food and alcoholic beverages on the ManorCare Parcel.
8. Restriction 16. Access Restrictions. Restriction 16(c) is modified to permit an entrance and an exit from ManorCare's Parcel on North Rolling Road which access point shall be permitted to be south of the King William Drive intersection. Ingress from North Rolling Road into said access may be for both left-hand turning and right-hand turning vehicles. However, egress from said access shall be limited to vehicles turning right only (that is, exiting northbound onto North Rolling Road). Left-hand turns exiting the ManorCare Parcel into the southbound lane of North Rolling Road shall not be permitted.
9. Restriction 17. Business Hours. Restriction 17 is modified to permit ManorCare to operate its business on the ManorCare Parcel on a twenty-four hour per day, seven day per week basis.
10. Restriction 20. Residential Development. The parties agree that the residential development restriction does not apply to the ManorCare Parcel.
11. Restriction 21. Floor Area Restrictions. The ManorCare Parcel is allocated 58,000 square feet of building gross floor area.
12. Restriction 27. Variances. Restriction 27 is modified to permit the signage referenced in Item 5, above, and to permit a rear yard setback for the building improvements on the ManorCare Parcel of not less than thirty (30) feet from an interior lot line of the Park.
13. Except as modified hereby, the Agreement shall remain unchanged and in full force and effect and the parties hereto ratify and confirm the same.

14. This Second Amendment may be executed in several counterparts, each of which shall be deemed an original, and all of which taken together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment personally or by and through their duly authorized officers and set their seals hereto.

#### NEIGHBORING RESIDENTS:

Jos A. McFee  
Witness

Lloyd L. Butler, Jr. (SEAL)  
Lloyd L. Butler, Jr.

Catherine D. Gaddy  
Witness

Peter A. Doyle (SEAL)  
Peter A. Doyle

Jos A. McFee  
Witness

Barry W. Casanova (SEAL)  
Barry W. Casanova

Jos A. McFee  
Witness

Drew Mayforth (SEAL)  
Drew Mayforth

#### WOODBIDGE VALLEY IMPROVEMENT CIVIC ASSOCIATION, INC.

Joy Reber  
Attest By: Joy Reber  
Secretary

Tina Brown (SEAL)  
By: Tina Brown,  
President

#### WESTVIEW PARK COMMUNITY ASSOCIATION, INC.

Alison A. Wells  
Attest

Len Docimo (SEAL)  
By: Len Docimo,  
President

PROPERTY OWNER:

WHALEN PROPERTIES LIMITED  
PARTNERSHIP, CATONSVILLE,  
SERIES VIII

Barbara C. Rogers  
Witness

By: Stephen W. Whalen, Jr. (SEAL)  
Stephen W. Whalen, Jr.  
Managing General Partner

In compliance with Maryland law, the undersigned certifies that he has prepared this document as a principal to this agreement:

Stephen W. Whalen, Jr. (SEAL)  
Stephen W. Whalen, Jr.  
Whalen Properties

Before me, a notary public in and for CARROLL County, MD, personally appeared the following: Lloyd L. Butler, Jr., individually, Peter A. Doyle, individually, Barry W. Casanova, individually, Drew Mayforth, individually, and Tina Brown and Len Docimo, both Presidents of their respective associations duly authorized to execute the foregoing for their association by their signatures alone as authorized by their respective Boards of Directors and by-laws, and Stephen W. Whalen, Jr., managing general partner of Whalen Properties, duly authorized by the partnership's limited partnership agreement to execute the foregoing by his signature alone on behalf of the partnership. Each of the foregoing is known to me. Subscribed and sworn that each did execute the foregoing document for the purposes therein stated, on this the 18<sup>th</sup> day of March, 2002. Witness my hand and notarial seal.

Barbara C. Rogers (SEAL)

Notary Public  
My Commission expires \_\_\_\_\_

KATHLEEN C. ROGERS  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires June 1, 2004

DUPLICATE ORIGINAL

CERTIFICATION

TO: All Parties Signatory to the Second Amendment to Restrictive  
Covenant Agreement for Rolling Crossroads Professional Park

I, the undersigned, certify that I am the duly elected Secretary of WOODBRIDGE VALLEY IMPROVEMENT & CIVIC ASSOCIATION, INC. (the "Association"). I hereby certify to all interested parties that either: (check one)

☒ At a meeting of the Board of Directors of the Association held on 8/15/01 and called in accordance with its articles of incorporation and bylaws

- OR -

☐ By an alternative method of authorization which nonetheless fully complies with the Association's articles of incorporation and bylaws,

In accordance with the method of authorization checked above, the Board of Directors of the Association authorized its President, Tina Brown, by the President's signature, with due attestation by the Secretary, to execute for the purposes therein stated the "SECOND AMENDMENT" TO RESTRICTIVE COVENANT AGREEMENT, a copy of which is attached hereto as Exhibit "A", for Rolling Crossroads Professional Park (the "Park"), permitting among other things therein stated, the construction and development of a skilled nursing facility on Parcel C of the Park in accordance with the terms of the Second Amendment and such other and further actions requisite to bind and obligate the Association, as the President shall determine in her sole and absolute discretion, said President being vested with plenary power to accomplish the foregoing.

Any interested party may rely on the signature of the Association's President alone as fully binding the Association to the terms and conditions of the Second Amendment.

Witness the hand and seal of the Secretary to the Association on this the 15<sup>th</sup> day of March, 2002.

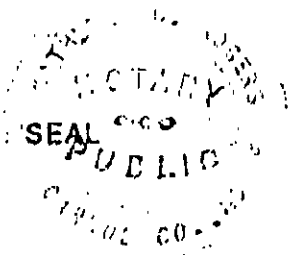
WOODBRIDGE VALLEY IMPROVEMENT & CIVIC ASSOCIATION, INC.

By: Joy Reber (SEAL)  
Print Name Joy Reber

Secretary to the Board of Directors

Before me, the undersigned, a notary public in and for MARBLE County, Maryland, personally appeared Joy Reber, known to me or satisfactorily proven, who acknowledged herself to be the Secretary of the foregoing Association, duly authorized by its articles of incorporation and bylaws to execute the foregoing certification for the purpose therein stated and who further acknowledged doing so by her own hand on this the 15<sup>th</sup> day of March, 2002.

WITNESS my hand and notarial seal:



Kathleen C. Rogers  
Notary Public  
My commission expires 6/1/03

KATHLEEN C. ROGERS  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires June 1, 2003

**DUPLICATE ORIGINAL****CERTIFICATION**

**TO:** All Parties Signatory to the Second Amendment to Restrictive  
Covenant Agreement for Rolling Crossroads Professional Park

I, the undersigned, certify that I am the duly elected Secretary of WESTVIEW PARK COMMUNITY ASSOCIATION, INC. (the "Association"). I hereby certify to all interested parties that either: (check one)

— At a meeting of the Board of Directors of the Association held on \_\_\_/\_\_\_/\_\_\_ and called in accordance with its articles of incorporation and bylaws,

- OR -

X By an alternative method of authorization which nonetheless fully complies with the Association's articles of incorporation and bylaws,

In accordance with the method of authorization checked above, the Board of Directors of the Association authorized its President, Len Docimo, by the President's signature with due attestation by the Secretary, to execute for the purposes therein stated the "SECOND AMENDMENT" TO RESTRICTIVE COVENANT AGREEMENT, a copy of which is attached hereto as Exhibit "A", for Rolling Crossroads Professional Park (the "Park"), permitting among other things therein stated, the construction and development of a skilled nursing facility on Parcel C of the Park in accordance with the terms of the Second Amendment and such other and further actions requisite to bind and obligate the Association, as the President shall determine in his sole and absolute discretion, the President being vested with plenary power to accomplish the foregoing.

Any interested party may rely on the signature of the Association's President alone as fully binding the Association to the terms and conditions of the Second Amendment.

Witness the hand and seal of the Secretary to the Association on this the 18th day of March, 2002.

**WESTVIEW PARK COMMUNITY ASSOCIATION, INC.**

By: Alison A. Wells (SEAL)

Print Name: Alison A. Wells

Secretary to the Board of Directors

Before me, the undersigned, a notary public in and for CARROLL County, Maryland, personally appeared ALISON A. WELLS, known to me or satisfactorily proven, who acknowledged herself to be the Secretary of the foregoing association, duly authorized by its articles of incorporation and bylaws to execute the foregoing certification for the purpose therein stated and who further acknowledged doing so by her own hand on this the 18th day of March, 2002.

WITNESS my hand and notarial seal:



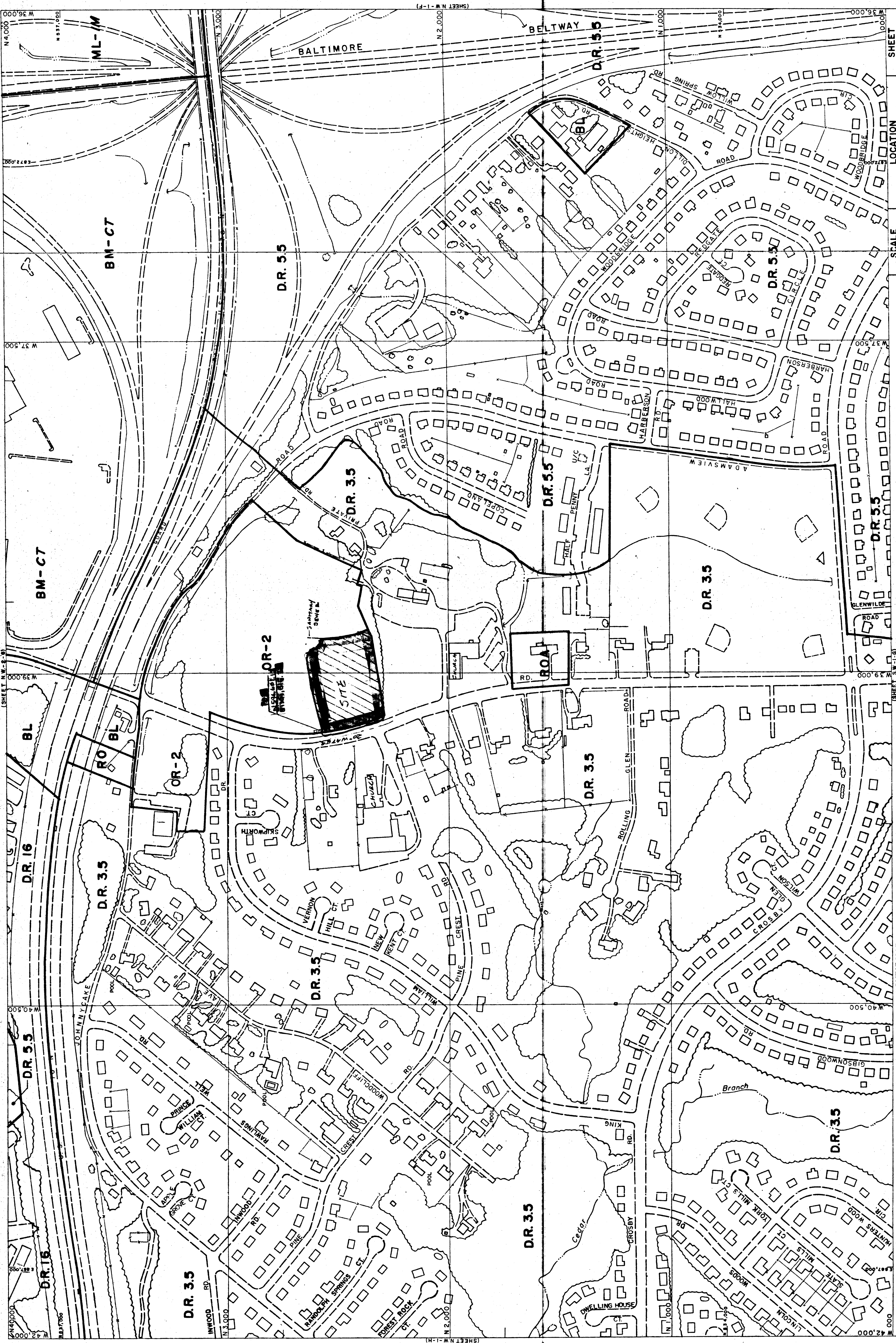
Kathleen C. Rogers  
Notary Public  
My commission expires \_\_\_/\_\_\_/\_\_\_

KATHLEEN C. ROGERS  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires June 1, 2005



#310

NW 1 G



<b>BALTIMORE COUNTY</b>		<b>LOCATION</b> HARRISTOWN	<b>SHEET</b> N.W. 1-G
<b>OFFICE OF PLANNING AND ZONING</b>			
<b>OFFICIAL ZONING MAP</b>		<b>SCALE</b> 1" = 200'	<b>DATE OF PHOTOGRAPHY</b> JANUARY 1986
<b>2000 COMPREHENSIVE ZONING MAP</b> ADOPTED BY THE BALTIMORE COUNTY COUNCIL OCTOBER 10, 2000 Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00.			
<i>Joseph Battaglia</i> (Chairman, County Council)			
THIS MAP HAS BEEN REVISED IN SELECTED AREAS. BY BUCHART-HORN, INC. BALTIMORE, MD. 21210			



